

REMARKS

Claims 6-13, and 17-21 remain pending in this application. Claims 1-5, 14-16, and 22-37 have been cancelled as a result of a Restriction Requirement. Applicants reserve the right to pursue these claims in a later filed Divisional application. Claims 38-40 have been added. Applicants acknowledge the allowability of claims 10, 12, 13, and 21. Claims 6 and 17 have been amended to include subject matter indicated as allowable by the Examiner. No new matter has been introduced by this amendment.

Rejections under 35 USC 102

Claims 6 and 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 7,016,540 issued to Gong et al, hereinafter referred to as “Gong.” Applicants respectfully traverse thee rejections because the cited art does not teach or suggest each and every feature of the claims, as amended.

Claims 6 and 17, as amended, include the features of suppressing moving regions associated with successive frames from the histogram, the suppressing including, assigning a foreground silhouette a most recent timestamp; and generating a motion mask, wherein edges located within the motion mask are excluded from the histogram. As acknowledged by the Examiner, Gong as well as any of the other cited references, fail to disclose the assigning a foreground silhouette and generating a motion mask as specified in amended claims 6 and 17. Applicants would also like to point out that amended claims 10 and 21 include features specifying the generation of the silhouette, which are not disclosed in any of the cited references. Accordingly, claims 6 and 17, and dependent claims 7-13, and 18-21, respectively are allowable over the cited references for at least the above stated reasons.

Claims 38-40 have been added. Claim 38 includes features indicated as allowable by the Examiner. In particular, the features of segmenting a frame of the audiovisual presentation, and the segmenting including comparing each pixel value of the frame with a plurality of neighbor pixel values, the plurality of neighbor pixel values including pixel values from the frame and from a previous frame, are neither taught nor disclosed by any of the cited references.

In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. A notice of allowance is therefore respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach Applicant's attorney Michael L. Gencarella (44,703) at 408-774-6921.

Respectfully submitted,

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